



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,537	05/16/2005	Je-Kwon Goo	B-5537PCT 622217-1	7803
36716	7590	12/10/2009		
LADAS & PARRY 5670 WILSHIRE BOULEVARD, SUITE 2100 LOS ANGELES, CA 90036-5679			EXAMINER NGUYEN, THUY-AI N	
			ART UNIT	PAPER NUMBER
			1796	
			MAIL DATE	DELIVERY MODE
			12/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/509,537	Applicant(s) GOO ET AL.	
	Examiner THUY-AI N. NGUYEN	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10- 11, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's responses filed on 08/20/2009 have been fully considered. Claims 1-9 are previously withdrawn. Claims 12 and 13 have cancelled. Claims 10 and 11 are amended. Claims 14 and 15 have been added. Claims 1- 11 and 14- 15 are pending.

Claim rejections under 35 USC § 112 have been withdrawn responding to the amended claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10- 11, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gu Seiken et al. (JP. 2000-169879) and as evidenced by "Unabridged Chemical Dictionary".

Regarding claims 10 and 14: Gu Seiken teaches a method for preparing soap containing salt which comprises:

- neutralizing a saturated or unsaturated fatty acid, obtained from palm oil, with caustic soda (sodium hydroxide) (¶0023, 31, 33), wherein the alkyl of the fatty acid has 7 to 21 carbon atoms and has the formula RCOO (¶0019).

- reacting the fatty acid salt with 3-chloro-2-hydroxypropanesulfonic acid (¶0020) having the same formula as claimed by the applicant (¶0037), wherein the process of preparing comprises the solvent including water (¶0039).

Gu Seiken does not specifically teach the molar ratio of fatty acid and 3-chloro-2-hydroxypropanesulfonic acid salt. However, it is construed that 1 mole of fatty acid reacting with 1 mole of 3-chloro-2-hydroxypropanesulfonic acid yield 1 mole of monoglyceride sulfonate as said in the claim. Therefore, the ratio 1:1 of fatty acid and 3-chloro-2-hydroxypropanesulfonic acid is within the range as said by the applicant. Because the proportion of two components said above is in the range as said by the applicant, the soft soap implicitly contains the same proportion of the byproduct salt which is sodium chloride yielded from the reaction as said above.

With regard to the claimed lauric and myristic acid content, Gu Seiken teaches that the fatty acid is obtained from palm oil (¶0023). Palm oil, as shown by the “Unabridged Chemical Dictionary”, comprises 44-52 percent lauric acid and 13-19 percent myristic acid (p323). Therefore, palm oil would comprise from 57 to 71 percent lauric and myristic acid, which overlaps the claimed range of over 60 wt%.

Regarding claim 11: Gu Seiken teaches the method wherein the alkyl group of the fatty acid obtained independent or mixed fatty acid (¶0019). Therefore, the fatty acid can be used alone or in combination.

Regarding claim 15, Gu Seiken teaches the method as said above. However, Gu Seiken does not teaches the ratio as said in the claim. However, it would have been obvious to one of ordinary skill in the art to adjust the molar ratio as said in the claim to obtain a desired proportion of the product. As to optimization results, a patent will not be granted based upon the optimization of result effective variables when the optimization is obtained through routine experimentation unless there is a showing of unexpected results which properly rebuts the prima facie case of obviousness. See *In re Boesch*, 617 F.2d 272,276,205 USPQ 215,219 (CCPA 1980). See also *In re Woodruff* 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936-37 (Fed. Cir).

Response to Arguments

Applicant's arguments filed on August 20, 2009 have been fully considered but they are not persuasive. According to the applicants 'arguments, Gu Seiken does not meet the same proportion of sodium chloride or byproduct salt. This is not found persuasive when Gu Seiken teaches the same components in the same reaction as said by the applicant. In the reaction for forming monoglyceride sulfonate, the molar ratio of fatty acid and chloro- hydroxypropane sulfonate is 1:1. Because the proportion of sodium chloride or byproduct said in the claim is result from the reaction of the components as said above, Gu Seiken implicitly has the same proportion of the byproduct as said.

Applicants argue that Gu Seiken does not disclose the method for manufacturing the soft soap comprising high content of byproduct which is sodium chloride. This is not found persuasvie. Gu Seiken (Goo et al. in US. 6,413,922 which is equivalent to JP. 200-169879) states that the method for manufacturing a soft soap comprising a step of manufacturing the

Art Unit: 1796

additive (monoglyceride sulfonate) in a slurry and mixing the slurry with the main cleansing agent which is fatty acid in example I (col. 5: 1- 4). Because a slurry of the product of the process for manufacturing monoglyceride sulfonate is added to the mixture for manufacturing the soft soap, the soft soap of Gu Seiken comprises both monoglyceride sulfonate and sodium chloride (byproduct salt) resulted from the reaction of fatty acid and chloro-hydroxypropane sulfonate as said above.

Because the rejections are deemed proper, all claims stand rejected and therefore, made final.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THUY-AI N. NGUYEN whose telephone number is (571)270-3294. The examiner can normally be reached on Monday-Friday: 8:30 a.m. - 5:00 p.m. eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/
Supervisory Patent Examiner, Art Unit 1796

THA

Application/Control Number: 10/509,537
Art Unit: 1796

Page 7